1890-018 Chancery Causes: Adm. of Hester Ann McGuffin vs. Isaac T. Bishop & Lee Co.

Hamblen, Rentro, Duncan, Orr

CA-Debt
T-Property
Migration

To the Honorable John A. Kelly
Judge of the Circuit Court of Lee
County Virginia:

Your orator Chas
L. Hamblin administrator of the e
tate of Hester Ann McGuffin d.c. would
respectfully represent that heretofore
to wit at the October Rules, 1873, he
filed his bill in Chancery in this
Honorable Court against Isaac T. Bishop
the administrator of the estate of
Jo. Renfro deceased. In this cause
various proceedings were had until
at the Aug. Term of this Hon. Court
held on the 6th day of September
1878, there was a final decree in
said cause. By this decree, there
was set apart and left in the hands
of said administrator, the sum of
fifty dollars for the payment of the
costs thereof in said suit. It was
then ascertained that there was re-
maining in the hands of said adm
the sum of $2403.28 available for the
payments of debts, and that the whole
amount of debts due against said
estate amounted on that day to the sum
of $2368.37. There were therefore in

in his hands assets sufficient to pay all debts & cost proven or arising in said cause. The decree then proceeded to decree in favor your orator as admr as aforesaid to be paid said admr the sum of $2025.71, with interest on $1217.04 from Sept 1st 1876 - and decreed to varying other creditors the sums found due them directed execution to issue therefrom and struck the cause from the docket. On the 3d day of Feb. 1879 only a few months thereafter said decree was properly docketed in the Judgement lien book in the County Court Clerks office and indexed as the law directs -

On this Judgement the said Bishop has from time to time paid the following sums. viz:

February	16th	1879	the sum of	$450.00
April	17	1877	" " "	110.00
Dec.	15th	1878	" " "	250.00
Feb.	10th	1879		100.00
Aug.	23	1879		100.00
Nov.	26	" "		25.00
May	8.	1880		100.00
June.	9th	" "		80.00

The residue of this Judgement is still

unpaid and due your orator from said Bishop.* At the time of the [illegible] diction of said decree and the doc[illegible] of the same the said I. T. Bishop w[illegible] owner in fee of a valuable peice [illegible] land situated in this County near the White-stools on Powels River, the rents [illegible] profits of which will not in five years pay the balance due on this Judgement in favor of your orator. Since the rendition of said decree and the docketing of the same, viz on the 10th day of Feb. 1879 the said Isaac T. Bishop, sold and conveyed to one Elisha Bishop said tract of land and he now owns and occupies the same. Your orator alleges at the time of this sale said decree was docketed and was and is lien as he is advised upon said lands; and that said Elisha Bishop before and at the time of his purchase had actual knowledge of said decree.

Isaac T. Bishop has since removed to the State of Texas and now resides there. The said Elisha Bishop at the time of his purchase, and at this time is a resident of Tennessee, residing in the County of Claiborne. The object of this bill is to have a decree rendered, enforcing

* Copies of this decree and [illegible] to satisfy of the same will be found filed herewith, marked "A" and "B" and are prayed to be [illegible] herewith as part hereof

the lien of his decree upon said Candy for the unpaid balance thereof - and to have so much of said land sold as will pay and discharge the same and the costs of this suit; and the costs of the former suit which have been paid by your Orator - The premises considered your Orators prayer therefore is that Isaac T. Bishop, and Elisha Bishop be made parties defendant to said bill and answer its allegations upon oath, and upon a hearing a decree be rendered in conformity with the objects of this bill and for all other further & General relief - May Superior

A. L. Prudemann

R. L. Hamilton

253 Bill Chy

Isaac T. Bishop et al
Exhibit "B"

1885 June 25th Bill filed
" Sept 4 O. Publication
" Sept 21st Cont'd
" Aug. 9 O. D. completed & cause set for hearing
" Term Decree entered
" Prior order continued
1886 Cause continued
" Aug 2 Prior order continued
1887 Nov 10 Decree pro tenda

C. L. Hamblen Admr. Plff.
vs
Isaac T. Bishop Admr et al Dfts.
} In Chancery

On calling this cause at the present term, the counsel for the plantiffs, announced at the bar that all the matters involved in this suit had been fully settled and adjusted, and that no further action of the court was necessary therein. It is therefore, adjudged, ordered, and decreed that the parties be hence dismissed, and the cause is stricken from the docket.

C. L. Hamblen Admr.

vs. } Decree & final

Isaac T. Bishop Admrd

Entered Chy Bk 4
page 296.
Sept. 5th 1890.
J. Alex Hyatt C

Entered this
14 day of
Sept. 5th 1890

C. L. Hamblin admr. complainant

vs

Isaac T. Bishop et al defts

} In Chy

This cause came on this day to be heard on the papers here to fore read, the ~~last~~ report of Commissioner H. G. Morgan, without exceptions and was argued by counsel. On consideration whereof the report is confirmed, and it is adjudged ordered and decreed that an issue be tried at the bar of this Court, to determine whether or not, in the month of January 1879, the defendant Isaac T. Bishop paid to the plaintiff C. L. Hamblin, the sum of $200.00, on the decree for $2025.25 in the bill mentioned?" And ~~on the trial~~ of this issue the said Bishop shall be plaintiff and the said Hamblin defendant and the cause is continued.

We of the jury find for the defendant,

Hm Hall, foreman

March 12 1880
Entered
J. P. Robinson

Filed
Jno. A. K.
Mar. 20 1880

C. L. Hamblin admr pltff Pltff.
against
Isaac T. Bishop et al Deft } In Chy

This cause came on again this day to be heard upon the papers formerly read and the report of H. J. Morgan Comr. filed March 13. 1884, to which there are no exceptions, and was argued by Counsel - On consideration whereof and for reasons appearing to the it is adjudged ordered and decreed that said report and statement therewith be and the same is adopted and made final except as hereinafter modified

The item of $200. in special statement shown as "No 1 supposed to have been paid Jan 20th 1879, is again referred to Comr. Morgan to further ascertain and report whether or not the same has been paid if so when by whom and to whom - On consideration of all which it is adjudged ordered and decreed that the pltff recover against the defendant I. T. Bishop the sum of $699. 98 with legal interest thereon from June 9th 1880 and the costs of this suit to be taxed by the Clerk which sum is adjudged to be a lien upon the land in

the bill mentioned and unless defendants J. T. Bishop or Elisha Bishop pay the same in 60 days from the rising of this Court then A. L. Prideaux who is appointed a special Comr. for the purpose will sell by public outcry to the highest bidder on a credit of 12 months or so much of said land as may be ~~found~~ necessary to pay the same - He will make sale on some Court day at the front door of the Court House - But before making sale he will post notice for 30 days on the front door of the Court House and in the neighborhood where the land lies, setting out time terms and place of sale. He will require a sufficient sum paid in hand to pay costs of suit & sale, and for the residue, take bonds payable to himself as comr bearing interest from date, - And by the consent of the pltff Commissioner Morgan will take state and settle the pltffs account as administrator of the estate of Hester A. McGaffin deceased He will report his action as will Commissioner Prideaux to some future term of this Court and the cause is continued.

C. L. Hamblin adm

vs } Decree

Isaac T. Bishop et al

March 7. 1884

Entered page 374
J. H. Hyatt
Clk

Enter this
decree. March
27 1884
J. H. H.

M. L. Hamblin adm. &c
Against } In Chy.
Isaac T. Bishop et als

This Cause Came upon the, order of publication, duly posted and published against the Non resident defendants and was argued by Counsel - On consideration whereof and for reasons appearing to the Court, it is adjudged Ordered and decreed that Henry J. Morgan Commissioner, will after due notice to the parties or their Counsel. take state settle and adjust the matters of account between the pltff and defendants - Showing how much of the judgement in the bill mentioned has been paid, whence paid, by whom and to whom - Taking as the basis of amount due from Isaac T. Bishop the decretal order mentioned and referred to in the pltffs bill - He will state any matters deemed pertinent by himself or required by either party - and report his action to this Court at some future term and the Cause is continued.

C. L. Hamblinas

vs } Decree

Isaac T. Bishopstr

Aug. 7. 1883

Entered page 326.

J. A. Gatty att

Clk.

Enter this.

Sept 1 1883

J. A. K.

Cfd 85

C L Hamblen adm'r &c. Pltff
vs. } In Chancery.
Isaac T. Bishop adm'r &c. Dfts

The deposition of C L Hamblen, C T. Duncan was taken before the undersigned commissioner as evidence in the above styled cause at the time of taking an account therein to wit on Oct 24th 1884 and subsequent days.

The said C L. Hamblen being duly sworn says

My present recollection is, that at one time C T. Duncan made a general calculation of the matters of settlement between Isaac T. Bishop and myself and in this calculation I think Mr Duncan embraced the sums due Mr Bishop from M M. Gibons estate and the sum due him on the Norton deed of trust, and these were treated as payments for said Bishop to me on the debt or judgment due me from him although the same had not been then paid nor has the same been yet paid; at this time I think there was found due me a considerable sum, but the amount thereof I cannot now state and Mr Bishop then stated that he was then going to receive of some one, but who I do not now remember, the sum of Two hundred dollars, and that he intended to pay the same to me. and a receipt was accordingly prepared by Mr Duncan for me to sign when I got the money, and Mr Bishop went off as I thought to see the person from whom he was expecting to get the money, but from some cause he did not get the money as he said and he did not pay it to me

and I did not sign said receipt so prepared by Mr Duncan, nor did Mr Bishop pay me the two hundred dollars referred to by him in his deposition in this cause. or if he did I have entirely forgotten it, and I am well satisfied he did not do so. Mr Bishop was acting as admr. of J. Rufo. deceased, and was paying me this claim as such, and if he had paid me the $200. as now claimed by him, it would have been a proper credit for him in the settlement of his account as such admr. and in the settlement of his account he has no credit for the said sum, as I am informed.

The debt sought to be enforced in this suit is due to me as admr. of Hester Ann McBoffin and I have all the time charged myself as such with all sums received by me as such, but this $200 - I have not so charged, for the reason I did not receive it

And further this witness saith not

C. L. Hamblen

C. T. Duncan another witness of lawful age being duly sworn deposes and says

On the 20th day of January 1879 I paid to Isaac T. Bishop the sum of two hundred dollars which I had collected for him on a deed of

Trust which he had against Alex B Muncy & Wm P Horton in which I was Trustee, At the time I paid the money to him, he said he wanted to pay it to C L Hamblen on the debt due from him as Admr of Jo Rufro dec'd to said Hamblen as Admr of Sister Ann McGoffin and he had me to prepare a receipt for Mr Hamblen to sign, he afterwards told me that he had paid it to him, and I supposed that he had done so, On the 29th day of January 1879. Mr Bishop and Mr Hamblen were both at my office making some Calculation of said debt, and I had the impression at that time that said two hundred dollars was paid by Mr Bishop to Mr Hamblen though exactly how I got the impression I do not now recolect.
I am certain that at Mr Bishop told me at the time I paid the money to him that he intended to pay it to Mr Hamblen. I am certain that afterwards on the 29th day of Jany he told me he had paid it to him

I am certain he got me to prepare the receipt for Mr Hamblen to sign this to the best of my recollection was on the 29th day of Jany 1879. Though it may have been, on the day I paid him the money which was the 20th of Jany as before stated At the time the deed of trust was executed by Muncy & Horton Mr Bishop told me that he intended the money due from Muncy to him to go on the McGoffin debt when it was collected and when he went to start off he directed me to pay the balance due on it when collected to Mr Hamblen Deponent further this deponent saith not

C. T. Duncan

James W Orr another witness, deposes & says. My recollection is that some time before Isaac T Bishop left this County, Ala, & C. L Hamblen, C. T Duncan & myself were at Mr Duncan's law office, and Mr Bishop & Mr Hamblen were taking over the matter between them in reference to the decree mentioned in this cause and Mr. Duncan & myself were assisting in making some calculation of the amount coming to Mr. Hamblen Admr of Hester A McGuffin from Mr.

Bishop as Admr of Jas Renfro deceased and my impression now is that a calculation was made and after applying the payments that had been made by Bishop on said decree, and setting apart the amounts still due to Bishop Admr re from the estate of Gilson decd in the chancery Cause of said Bishop Admr re vs C. L. Hamblen Admr of said Gilson and the amount still due on the Horton deed of trust (which sums it was agreed between the parties Mr Hamblen should have) there would only remain a small amount yet to be paid by Mr Bishop on said ~~deed of trust~~ Decree. I do not however remember the amount of said balance ~~that~~ would yet remain to be paid by Bishop; nor do I remember what payments made by him were taken into said calculation, nor do I remember seeing Mr Bishop pay Mr Hamblen any money at that time. Mr Bishop at sometime before he removed from this Country left with me his Vouchers as Admr of said Renfro's Est, to make a settlement for him as such Admr, and at the time expected to have further Vouchers, or rather, directed me to get some other Vouchers from Mr Duncan. I have no recollection of ever seeing a receipt for $200—, among said Vouchers, executed by said Hamblen to said Bishop. I have never made the said settlement for Mr Bishop Admr. of said Renfro decd.

And further this deponent saith not. James W Orr.

Virginia Lee County Court.

The foregoing depositions of G. L. Hamblen, C. T. Duncan and Jas. H. Orr were taken before me, sworn to & subscribed by them respectively, March 18 1885

Henry J. Morgan Comr.

G. L. Hamblen adm. &c.

vs. } Defs.

Samuel T. Bishop et al.

(A6)

The State of Texas } J. R. T. Shelton a Notary Pub-
Collin County } lic in and for Collin County
Texas, by virtue of a commission to me directed from the Circuit Court of Lee County State of Virginia in a Chancery suit now in said Court pending, wherein C. L. Hamblen Admr of Hester Ann McGoffin is Pltff and Elisha Bishop & Als are Defts have caused to come before me Isaac T. Bishop the witness in said commission named and after being by me duly sworn to true answer make touching the subject matter of said suit. The said Witness answering thereto says,

Question:

Please examine the following list of receipts and state whether or not they embrace all sums paid by you to C L Hamblen adm. &c. Recd.

1877	Feb 16	450	by	I T Bishop to	C. L. Hamblen
1877	Apl. 17	110	"	Same "	Same
1878	Dec 15	250	"	Same "	Same
1879	Feb 10	100	"	C. T. Duncan "	Same
1879	Aug. 23	80	"	Same "	Same
1879	Nov 27	25	"	Elisha Bishop "	Same
1880	May 8	100	"	C. T. Duncan "	Same
1880	June 9.	80	"	Same "	Same

Answer: They do not.

Question:

What amount or amounts paid by you to said Hamblen are not included in said list?

Answer: About the last days of Jany 1879. C. T. Duncan as Trustee paid to me $200.00 which said amount was paid in said Duncan's office and my best impression is that Hamblen was present, which said sum was then and there paid to said Hamblen said Duncan preparing the receipt for same. I gave an order to A. L. Pridemore to pay to the said C. L. Hamblen the amount due me from the Estate of M. M. Gibson. I also gave an order to C. T. Duncan Trustee to pay to said C. L. Hamblen the remainder due on the certain deed of Trust from Horton to me. I also paid about the same time to James H. Orr for C. L. Hamblen ($250.00) Two hundred and fifty dollars. One hundred dollars of which was in a check, which I remember distinctly for the reason that it was peculiarly indorsed. The remainder was paid in cash, for all of which Orr gave

me a receipt as agent for said Hamblin

Question:

Did you make any calculation a short time before you left Va and while these matters were fresh in your mind as to the amount of your then indebtedness to said C & L Hamblin and if so, please state who was present and assisted you in making these calculations?

Answer: I did at two different times, at one of which C T Duncan and C. L. Hamblin were present and assisted in said calculation: at another time James W. Orr County Clerk and I made similar calculations, and we ascertained in each of said calculations that I was indebted to said C. L. Hamblin in the sum of One hundred and forty five dollars $145.00 at that time, which amount I directed Elisha Bishop to pay for me

Question

Did you receive any commission deducted on sales, paid said C & L Hamblin?

Answer: My best recollection is that I did not. There was an agreement made by which my commission was to be given as a credit on my indebtedness to said C. L. Hamblen.

Question

Do you think you are indebted to the said C. L. Hamblen in any amount whatever, provided the orders given by you have been fully paid.

Answer: I do not I. T. Bishop

The State of Texas }
Collin County } I R. T. Shelton a Notary Public in and for Collin County, do hereby certify that the facts by me stated as aforesaid are true and that the foregoing answers were by the said witness Isaac T. Bishop sworn to and subscribed before me

Given under my hand and seal of office this the 20th day of March 1884

R. T. Shelton

Notary Public Collin County Texas

The Commonwealth of Virginia.

To any Justice of the Peace, Notary Public or Commissioner appointed by the Governor of said State, resident in the State of Texas *authorized to take Depositions in the County of* Collin *State of* Texas —GREETING:

Know ye that we, trusting to your fidelity and provident circumspection, do require you, that at such time and place as you shall appoint, to call and cause to come before you Isaac T. Bishop

Witness on behalf of Elisha Bishop & others

in a certain Chancery suit now pending in the Circuit Court of Lee County between C. L. Hamblen Admr. of Hester Ann McGuffin Plaintiff and Elisha Bishop et als Defendants and him diligently examine, touching the same in solemn form on oath or affirmation, and having received his examination as aforesaid, that you distinctly, plainly, and without delay certify, sign, and send the same enclosed into our said Court together with this Writ. Witness, J. A. G. Hyatt Clerk of our said Court, at the Court House, this the 21st day of February 1884, in the 108 year of the Commonwealth.

J. A. G. Hyatt, Clerk.

I do solemnly swear that Isaac T. Bishop whose name is mentioned as witness in the commission above is a non-resident of the State of Virginia, so help me God.

James W. Orr

Sworn to before me this 21st day of Febry 1884

J. A. G. Hyatt, Clerk.

C. L. Hamblen Admr

vs } Com. to take Depo. for Deft

Elisha Bishop et al

Mr C. L. Hamblen Administrator of the Estate of Hester Ann McGuffin deceased.

You will please take notice, that on the 10th day of March 1884, at the office of R. S. Shelton in the town of Plano, County of Collin & State of Texas, I will proceed to take the deposition of Isaac S Bishop, which deposition is intended to be read as evidence in my favor in a certain suit in chancery now pending in the circuit Court of Lee County Va. in which you are plaintiff and I and others are defendants and if from any cause the taking of said deposition is not commenced on that day, or if commenced should not be completed on that day, the taking of the same will be adjourned from day to day and from place to place until completed.

February 21st 1884.

Elisha Bishop,
By Counsel.

Elisha Bishop et als
ads } Notice
C. L. Hamblen.

Executed by delivering to C. L. Hamblen a copy of this notice.
Feb 21st 1884.
Lyon Flanery.
Deputy for R. D. Flanery
- S.L.C.

(AB)

(L.) Hamblen Adm
vs } Copy
Isaac T. Bishop et al

Recd by mail in good condition & filed March 28 1884.
J. A. S. Hyatt
Clk

Commissioners office Jonesville Va. March 11 - 1884.

C. L. Hamblen admr. &c. Pltff
vs.
Isaac T. Bishop admr. &c. Defts
} In Chancery

To the Hon. John A. Kelly Judge of the circuit court of Lee County Va.

By a decree entered in this cause on the 1st day of Septr. 1883 I was directed to ascertain and show how much if any is still due the plaintiff on the decree or judgment in the bill mentioned, the amount paid thereon, by and to whom paid &c.

The decree or judgment which is the foundation of this suit was rendered in August 1878 in a chancery cause between these same parties in their representative characters, and by that decree the plaintiff recovered $2025.71 with legal interest on $1217.04 from the first day of Sept 1876 till paid, and to enforce payment of the balance due on this decree is the object of this suit.

At the time this decree was rendered it seems that Bishop had paid Hamblen two payments, one of $510.00 paid April 16th 1876 and $110.00 paid April 17 1877. which should have been credited on said decree, or else deducted out of that sum before the decree was rendered, and in order to attain the same and without any controversy, the parties mutually agreed by a writing filed herewith marked (A B) that said two

sums should be credited on said decree, and they further agreed that the same should be applied to the payment of that part of said sum which did not bear any interest. Since said decree was rendered Mr Bishop by himself and through others has paid Mr Hamblen sum $505.00 of which evidence in the way of receipts is now before me, and are herewith marked A1. A2, A3. A4. A5. A6, & A7.

The first of which is for $100- dated Feb 11 1879. The second is for $100- dated March 3rd 1879, The third is for $20.00 dated July 1879. The fourth is for $80.00 dated Aug 23rd 1879, The fifth is for $25.00 dated Nov 27- 1879. The sixth is for $100.00 dated May 8- 1880 and the 7th and last is for $80.00 and is dated June 9- 1880. In addition to these, Mr Hamblen in the settlement of his account as admr. of Hesterian McGaffen charges himself with having received of said Bishop on the 15th day of Decr. 1878 the sum of $250.00 which is not embraced in any of said receipts or in said written agreement as I now understand it and upon the basis of said decree, and these matters of payment just adverted to, I have stated the account and calculated the matter down to the 9- day of June 1880 as shown on the first page of the papers herewith filed marked (Af) which shows a balance due the plaintiff on said last named date of $915.44. which

will bear interest from June 9 - 1880 till paid:

It is thought by Mr Bishops attorneys that he in all probability about January the 20th 1879 paid Mr Hamblen the further sum of $200.00 of which however at this time there is no evidence before me nor do I know whether any will be produced, but steps have been taken as I am informed to take Mr Bishops deposition in Texas upon that point or this and what he may prove on that subject I cannot say Mr Hamblen however denies such payment This being the condition of things, I thought it perhaps prudent with the view to expedite matters to prepare a Special statement of the account to show how it will stand in the event satisfactory evidence is produced of that payment, and such Special Statement will be found on the second page of said paper (A) If the evidence when adduced shall show said $200. to be a proper credit, then there was due the plaintiff on the 9 day of June 1880 the sum of $699.98 with interest from that time

The first two credits stated by the plaintiff in this cause in his bill are one of $450.00 and the other of $110.00 and these are the same as I understand, that are mentioned in said written agreement as $510. and $110. being a difference of $60.00 but the sums as agreed upon by the parties as shown in their written agreement I have allowed as credits, both in the first and Special statements

The credit of $510. instead of $450. is as I think the proper sum to be allowed as a credit in the adjustment of this matter. But if I am correctly informed as to the facts relating thereto Mr Hamblen in the settlement of his account should only be charged with $450, on account thereof. All which is respectfully submitted

Henry J. Morgan Cond.

C. L. Hamblen admr. &c.

vs. } Cond. Refferee No 1

Isaac T. Bishop & admr. &c.

Filed March 13th 1884

J. C. Hyatt

Clerk

Commissioners fee $7.50

By a decree rendered in the Circuit Court of Lee county at the Aug Term 1878. in the Chancery cause of C L Hamblen Admr &c vs J. T. Bishop Admr &c. said Hamblen recovered of said Bishop a judgment for $2025-71. with interest on $1217 cts from the 1st day of September 1876 till paid.

Now it is admitted by said Hamblen that said Bishop has paid on said debt the following sums at the following times to wit ~~$50. Oct 18th 1870~~ $510. Feby 16th 1876. and $110.00 April 17. 1877. which are not noticed in said decree, but for which said Bishop should have had a credit. Now it is agreed by and between said Hamblen & said Bishop that said several sums shall be deducted from the the accumulated interest of said debt, up to the rendition of said decree aforesaid and it is further agreed that said Decree aforesaid may and shall be modified to the extent of giving said Bishop a credit for said sums as here in indicated. Janry 29th 1879.

J T Bishop Adr Dobenemen
of the Est Do Renfro.
C L Hamblen
Admr of Rebecca M. McGoffin
dec

115
115
115
1265
286
04

6 L Hamblen
with 3 Agreement
I. T. Bishop

1-2

(A B)

I. T. Bishop & Security
E. S. Bishop
James W. Orr
Lewis Smith deceased

Filed Oct. 71 with replevint and $12.17 off from 1st day of Sept 1876.

Received of C. T. Duncan one hundred dollars in check on the Merchant National bank of New York city to go as a credit on a Judgment obtained by me against S. T. Bishop Admr of Jc Renfro decd this 11th day of Feby 1879.

A. L. Hamblen Admr
of Hester A McGoffin.

(A6)

3

C L Hamblen
To Z Rect
C. T. Duncan

Received of J. T. Bishop Admr of Joseph Renfro deceased, by the hands of Elisha Bishop, One hundred dollars on a decree in my favor against said Admr Bishop, Nov 3rd 1879.

C. L. Hamblen

Admr of Hesdron McGuffin dec

Charles Ham
Alex Ekcuff
$100.00

No. 4

1879 Receive July the 18 of Elisha Bishop twenty dol on judgement in my favor as Admr of Hesterian Megoffin dec against Isaac T. Bishop.

C. L. Hamblen
Admr of Hester Megoffin dec

5

(AE)

Elishia Bishop

Rec'd of C. T. Duncan Atty. for Isaac T. Bishop Eighty dollars to go as a credit on a Judgement in my favor as Admr of Hester A McLoffin dec'd against said Bishop as Admr of Jo Rufus dec'd This the 28 day of August 1879.

C. L. Hambler
Admr of Hester A McLoffin dec'd

6 A.F.

6 L Stanislaus
7. 1/3 Rupert.
6. J. Duncan

1879. Received Nov 27
Elisha Bishop. Twenty
five dollars. To be credit
ed on a Judgement
I hold against S. L. Bishop
as admr of the est of
Hesterman Megoffin
dec.

C. L. Hamblin
Admr of Hesterman Megoffin

Receipt
Charley
Hamble
$25.00

A.S.

Received of C. T. Duncan. Atty for Isaac T. Bishop. One hundred dollars to go as Credit on a Judgement obtained by me as as Admr of of Hester A McGoffin decd against I. T. Bishop Admr of Jo Rufus decd This 8th day of May 1880.

C. L. Hamblen

$100

admr of Hestranor McGoffin

& Atty

6 L & Hamblen Atty

To ⅔ Receipt for $100.00

6 J. Duncan Atty for $78

Received of Isaac T. Bishop Admr of Jo Ren
fro decd by the hands of C. T. Duncan
his Attorney Eighty dollars. to go as a
Credit on a Judgement obtained by
me as Admr of Hester Ann McGoffin
decd against said Bishop as Admr of
said Jo Renfro decd. this the 9th day
of June 1880.

C. L. Hamblen Admr of
Hester Ann McGoffin Decd.

A.J.
9

C. L. Hamblin
to } Receipt
C. T. Duncan Atty
for J. T. Bishop

		Isaac T. Bishop admr. of Josephus Stengo.				
1876		To C.L. Hamblen admr. of Hesterian McGuffin			Dr.	
1878 Aug.		To part of Dower vs. Bishop in favor of Hamblen Aug 1878.				
		which does not bear interest (being accrued Int to Sept 1/76.			808	67.
+	1	By amt paid Thomas Feb. 16 1876 (as per written agreement)	510	00		
+	2	" " " " April 17 1877 (" " " ")	110	00		
+		" this Sum paid C.L. Hamblen Dec. 15 1878.	250	00		
		To this Sum overpaid accrued Int. Dec. 15 1878			61.	33
		Accrued Interest account Squared thus -	870	00	870	00
		To that part of said dower which bears Int from Sept 1 1876			1217	04
		Interest on Same to March 3rd 1879.			183	15
					1400	19
		By amt overpaid as above Dec. 15 1878.	61.	33.		
+	3	" this Sum paid C.L. Hamblen Feb 7 1879.	100	00		
+	4	" " " " Same March 3rd 1879.	100	00	261	33
					1138	86
		Interest on Same to Aug 23rd 1879.			32	25
					1171	11
+	5	By amt paid Hamblen July 18 1879.	20	00		
+	6	" " " " Aug 23rd 1879.	80	00	100	00
					1071	11
		Interest on Same to Nov 27 1879			16	06
					1087	17
+	7	By this Sum paid Hamblen Nov. 27 1879.			25	00
					1062	17
		Interest on Same to May 8 1880.			28	32
					1090	49
	8	By this Sum paid C.L. Hamblen May 8 1880			100	00
					990	49.
		Interest on same to June 9 1880 - - - -			4	95
					995	44
	9	By this Sum paid Hamblen June 9 1880.			80	00
		Bal due June 9 1880 - - - -			915	44

Special Statement

	To accrued interest to Sept 1st 1876 which bears no Int			808	67
1	By amt paid Hamblen Feb. 16th 1876 (as per agreement)	510	00		
2	By " " " April 17 1877 " " "	110	00		
3	By this Sum paid Hamblen Dec. 15 1878.	250	00		
	To this sum overpaid Int. acct to Square			61	33
	Interest acct Squared thus - -	870	00	870	00
	To that part of Decree bearing Int from Sept 1st 1876			1217	04.
	Interest on same to Jan 20 1879.			174	43
				1391	47
	By amt overpaid as above Dec. 15 1878	61.	33		
No 1	By this Sum Supposed to have been paid Jan 20 1879	200	00	261	33
				1130	14
	Interest on Same to Feb 11th 1879.			3	77
				1133	91
3	By this Sum paid Hamblen Feb 11 1879.			100	00
				1033	91
	Interest on Same to March 3rd 1879.			3	42
				1037	33
4	By this Sum paid Hamblen March 3rd 1879.			100	00
				937	33
	Interest on Same to Aug 23rd 1879.			26	54
				963	87
5 & 6	By amt paid Hamblen July 18th $20. + Aug 23rd 1879 $80.00	-	.	100	00
				863	87.
	Interest on Same to Nov. 27th 1879.			13	12
				876	99
7	By this Sum paid Hamblen Nov 27th 1879.			25	00
				851	99
	Interest to May 8th 1880. . .			24	11
				876	10
8	By this Sum paid Hamblen May 8 1880			100	00
				776	10
	Interest on Same to June 9th 1880			3	88
				779	98
9	By this Sum paid Hamblen June 9th 1880			80	00
	Bal due June 9th 1880 in this view of case. - . .			699	98

C L Hamblin admr. &c.

vs } Statement of Acct Aff.

Isaac T. Bishop admr. &c.

(Aff)

Commissioners office Jonesville Va. March 18 1885

Charles L Hamblen adm'r. vs. Pltff.
Against } In Chancery.
Isaac T. Bishop adm'r. etc. Defts

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County Virginia:

Since making my former report in this cause, the defendants have taken the deposition of Isaac T. Bishop, and I herewith file the same marked (AB) On the part of the plaintiff he has given his own deposition and I have taken those of Mr G.T. Duncan and Jas H. Orr, and these I herewith filed marked (AB)

The matter at issue between the parties is, as to whether or not the deft Isaac T. Bishop did pay to the Pltff a certain $200.00 payment claimed by him to have been made about the month of Jan, 1879. And I regret to have to say that as to that fact, it is about as uncertain now as to what the truth is, as it was before said depositions were taken

I regard Mr Hamblen and Mr Bishop as both truthful and honest gentlemen, and yet their statements and recollections are directly contrary to each other, so that one or the other must be in error, but which of the two is mistaken, it is impossible for me under the proof in the cause, . . . to determine:

There is no question, but that all Mr. Duncan states is true and he and Mr Bishop concur in the statement, that about the month of Jany 1879 Mr Duncan paid to Mr Bishop $200. and that Mr Duncan at the same time prepared a receipt for the same

sum which was intended that Mr Hamblen should sign when Mr. Bishop should pay him the money. but Mr Duncan did not see the money paid or the receipt signed by Mr Hamblen. and proof of the fact that Mr Duncan paid the $200.00 to Mr Bishop and the procuring of the receipt for Mr. Bishop, does not prove the fact that Mr Bishop paid the money to Mr. Hamblen, the most that can be made of it is that it is a circumstance tending in that direction

At the time Mr Orr gave his deposition he produced several receipts for money paid out by Mr Bishop as admr. of Jo. Renfro left by Mr Bishop with him a short time before leaving the country in order to enable Mr Orr to settle and adjust the Renfro. estate matter. but among them there is none answering to the one under consideration, and Mr Orr does not remember to have heard Mr Bishop claim that he had lost a receipt, or that he had at any time paid out money that he had no receipt for, Mr Orr does remember that Mr Bishop told him to get some of Mr Hamblens receipts given to Mr Duncan for money collected by him on the Horton. Murray deed of trust. and which Bishop had directed Mr Duncan to pay Hamblen

I regard the evidence before me of equal weight and hence am unable to decide the matter. and if the same must be decided upon the present proof, I think there

great danger that injustice may be done one or the other of the parties And as I do not like to be the medium through which injustice may be done to either of them I respectfully suggest that a jury be empanneled to try the issue and ascertain the fact in question, and by this means 12 men instead of one would bear the burthen of such injustice and share in the responsibility attaching thereto

If I am correct in thinking that the weight of evidence on each side of the question is equal, then I know of no other way of determining the matter at present if a jury is not empanneled, but to hold that the party who holds the affirmative of the proposition is bound under legal rules to fail unless his proof shall preponderate, and in this view of the case if it must now be decided I am willing for your Honor to determine, who holds the affirmative of the issue involved

Until this question is settled, the account of Mr Hamblen as adm. of Mas Mc. Gaffey cannot be stated & hence the same is not adjusted by me

Respectfully Submitted

Henry J. Morgan Bond.

C L Hamblen admr. &c.

vs. } Cont. Second Report.

Isaac T. Bishop admr. &c.

Commissioners fee $3.00

C L Hamblen admr. &c. Pltff
vs. } In Chancery
Isaac T. Bishop admr. &c. et al Defts

To the Hon John A. Kelly Judge of the circuit Court of Lee County Virginia;

Pursuant to your decree heretofore entered in this cause, I have on this fourth day of February 1886 stated the account of Charles L. Hamblen administrator of Hester Mc. Griffin decd bring the same down to the 16th day of February 1886, and herewith file the same as a part of this report Marked (A.B.C) by which it will be seen that said C L. Hamblen as such admr is indebted to said estate in the sum of $231.80 as of the 16th day of Feb. 1886.

In a chancery suit brought and decided some years ago in your Honors court, by Mr. Hamblen as such admr. against Isaac T. Bishop admr. of Joseph Renfro. a decree was entered therein in favor of Mr. Hamblen against said Bishop for about $2025.71 with interest on $1217,04 thereof from Sept 1st 1876:

Since that decree was rendered, this suit has been brought to enforce the payment thereof, and in the mean time Mr. Hamblen has been making collections thereon untill the same is about paid off and has likewise been paying over to the heirs of Mrs Mc. Griffin and to Genl Pardinson as their attorney so that now when the small balance yet due Mr Hamblen shall be paid he will then owe said heirs said sum of $231.80 as stated above

The transactions growing out of the collection and disburse

-ng of the money arising from the said decem gave rise to this administration account and nothing else is involved therein;

In the statement of the account herewith submitted I have given Mr Hamblen credit for 5 per cent commission on about one half of the money which has and is to pass through his hands, and 10 per cent on the other half, so that the commission allowed him will average about 7 1/2 per cent

Where the estate is made up of numerous small debts 10 per cent commission in my opinion is not too high a rate but where the estate as in this case consists of a single debt, an allowance of 7 1/2 per cent I am inclined to think is liberal and as much as ought to be allowed

Respectfully Submitted.

Henry J. Morgan Comr.

Feb. 4 1886

C. L. Hamblen adm.

vs. } Replevin No. 3

Isaac T. Bishop adm. et al

Filed Feby. 6th 1886.

J. A. G. Hyatt
C.C.

C. L. Hamblen adm.r &c. Pltff
vs. } In Chancery
Isaac T. Bishop adm.r &c. al Defts

To the Hon H. S. K. Morison Judge of the Circuit Court of Lee County Virginia;

I have heretofore taken two or three accounts in this case, and had supposed that the matter was finally settled and adjusted; but Mr Hamblen by his attorney now comes forward, and desires a modification of his account as adm.r of Hester Ann McGuffin, as stated and shown by exhibit (ABC) with my report filed in this cause April the 6 1886 And as a basis on which that application is made they file before me four receipts for money paid out by Mr Hamblen on the matters involved in this suit, amounting in the aggregate to $355.00 and said receipts are herewith filed marked (BA) BB, BC & BD. The receipt marked (BA) is for $55.00, the one marked (BB) is for $200.00 and upon an examination of my exhibit (ABC) with my report of April 6 1886, I find these two receipts have allready been credited to Mr Hamblen, the first of which is credited as voucher No. 15 in the 7th annual statement, and the second is credited as voucher No. 16 in the 10th annual statement.

Said Credit No 15 was allowed at the time upon a Statement made by Col Pridemore in these words. "Hamblen Paid me $50. June 21st 1883" A. L. Pridemore" See said Statement filed in former Settlement No. 15.

Now look at the receipt marked (BA) and you will see that it is dated June 21st 1883. and is for $55.00 so the only error in that item is as to $5.00 the difference between the credit then given, and the actual receipt for $55.00

The receipt marked (BC) and now filed before me is dated Sept 6 1882 and is for $50.00 and is signed by Dora Hughart & A Hughart, the latter being as I suppose the husband of the former

Now by looking at at the 4th annual Statement of my former account and the 7th credit therein given Mr Hamblen and it will be seen that that credit is given him upon Miss Dora McGuffins own receipt and letter filed as voucher No 7.

Now the only credit given Mr Hamblen in the former account for money paid the said Dora McGuffin is the one just adverted to and the said Dora McGuffin having married as I suppose the said G A Hughart and they having signed a receipt to Mr Hamblen for $50.00 dated Feb 6 1882, I think it clear that it ought to have been credited to him in the 7th annual statement of the former account made as of Feb 16 1883 and the same not having been credited there is error in the former account to the extent of this last receipt I have therefore on the original statement (A B G) made this correction and also as to said $5.00 error

The receipt now filed before marked (B B) is dated Oct 24 1884 and is for $50.00 signed by Geo Priedemann and is for his fee in this cause. And I see no other credit given Mr Hamblen in my former report answering to this paper I am therefore of opinion that this credit ought to have been given Mr Hamblen in the 9th annual Statement of the former acct. made as of Feb 16 1885 and this error I have corrected in the manner as the other two

Having made these corrections it follows that Mr Hamblen owes his intestates estate $113.90 as of Feb 16 1886 instead of $231.80 as shown by the former settlement

If Mr Hamblen had taken the pains to look up his receipts before going into the former settlement all this trouble might have been avoided And beside that I would rather have made the entire statement than to have to look over and throw the whole thing after this lapse of time to see what is right and proper as I have done in this instance

Respectfully submitted

Henry J Morgan Comr

March 19 1889

C. L. Hamblen admr

vs. ⅓ Attachment Refuse

Isaac T. Bishop admrtr

Filed March 19 1889

J. A. G. Hyatt C.C.

C. L. Hamblen Admr of Hesterian McGuffin decd.

In account with said Estate

				Dr.
1877.				
Feb 16"	To amt received from J. T. Bishop Admr of Joseph Renfro decd, Feb 16th 1876 in gold			$450.00
1.	By this sum paid LeRoy D Ball Guardian for Dora McGuffin	$130.00		
2.	" " " " J. C. Carpenter Apr 27" 1876.	130.00		
3.	" " " " E. S. Kinney May 3" 1876.	130.00		
	" 10 per cent com on $390.00 disbursed	39.00		
	" this sum in Admr's hands to square	21.00		450.00
1878.				
Feb 16"	To this sum unaccounted for last year.			$21.00
	" " " Interest thereon one year. $1.26			
+	" " " recd from J. T. Bishop Admr &c Apr 17" 1877.			110.00
	Total assets Feb 16" 1878.			$131.00
4.	By this sum paid LeRoy D Ball Guardian for Dora McGuffin	50.00		
5.	" " " " James N Orr Clerks fee		.74	
6.	" " " " Same " " & as Comr &c	34.49		
	" 10 per cent com on $85.23 disbursed	8.52		
	" this sum in Admr's hands to square.	37.25		131.00
1879.				
Feb 16"	To this sum unaccounted for last year.			37.25
	" " " Interest thereon one year. $2.23			
+	" " " recd from J. T. Bishop Admr &c Dec 15/78.			250.00
+	" " " " " Same Feb 10th 1879.			100.00
	" " " Total assets Feb 16th 1879.			$387.25
	By this sum in Admr's hands to square.	$387.25		
1880.				
Feb 16"	To this sum unaccounted for last year.			387.25
	" " " Interest thereon one year $23.23			
2 receipts +	" " " recd from J. T. Bishop Admr &c Aug 23/79.			100.00
+	" " " " " Same Nov 26" 1879			25.00
	" " " Total assets Feb 16th 1880.			$512.25

1880 Feb 16"	To this sum total assets brought over		$ 512.25
7	By " " paid Miss Dora McGuffin Feb 23" 1880.	$ 50.00	
	" 10 per cent com on $50 cc disbursed	5.00	
	" this sum in Admr's hands to square	457.25	512.25
1881. Feb 16"	To this sum unaccounted for last year.		457.25
	" " " Interest thereon one year $27.43		
	" " " recd from I. S. Bishop Admr & C May 8" 1880.		100.00
	" " " " " Cash June 7th 1880.		80.00
	Total assets Feb 17th 1881.		$ 637.25
8	By this sum paid E. S. Kinney husband of Viola Kinney formerly Viola McGuffin Aug 25" 80.	100.00	
9.	" " " paid J. C. Carpenter June 1880.	100.00	
10.	" " " " C. S. Duncan atty's fee, Aug 1" 1880.	50.00	
	" 10 per cent com on $250 cc disbursed	25.00	
	" this sum in Admr's hands to square	362.25	637.25
1881. May 24"	To this sum in Admr's hands Feb 16" 1881.		$ 362.25
	" " " Interest thereon to May 24" 1881. $5.71		
11.	By this sum paid Mrs J. C. Carpenter May 10th 1881.	100.00	
12.	" " " " E. S. Kinney & wife " 24th 1881.	100.00	
	" 10 per cent com on $422.31 bal of fund in Admr's hands.	42.23	
Pd.	" this sum to be paid Comr for making this settlement.	6.00	
	" " " " " " Clerk for recording this settlement.	2.57	
	" " " in Admr's hands to square	111.43	362.25
1881. May 24"	To this sum balance of principal in Admr's hands		$ 111.43
	" " " accumulated Interest in " "		60.06
	Total sum Pr & Int in Admr's hands May 24/81.		$ 171.49

I have re-stated this account from beginning to end in the chancery cause of G. L. Hamblen admr. vs. W. B. Bishop & al bringing the same down to Feb 16 1886 Feb 4 1886

N. J. Morgan Comr

To the Honorable Carr Bailey Judge of Lee County Court.

The undersigned Commissioner of accounts respectfully reports, that having posted at the front door of the Court house of said County, the notice required by law I have on this 27th day of August 1881. proceeded to state and settle the administration account of G. L. Hamblen Admr. of the estate of Hesteran McGuffin deceased. up to the 27th day of May 1881. I have charged the Administrator with the amount of an inventory herewith filed marked "A", which shows the sums collected by said Admr. under a decree of the Circuit Court of Lee County Va. against J. J. Bishop Admr of Joseph Renfro decd. which decree was upon a note executed by said Renfro in his lifetime to said Hesteran McGuffin and upon said decree the said Hamblen collected $450.00 in gold which he says he deposited in the Bank at Bristol Tenn and gave, or sent, checks of said Bank to the children and heirs of said Hesteran McGuffin for the amount, or near the amount, after retaining his commission &c. The residue of said Inventory he collected in currency.

The said Hesteran McGuffin died in Florida leaving three children, to wit, Viola, Dora & Allice and as appears by Exhibit "B" herewith filed, Le Roy D Ball was appointed and qualified as Guardian for said children in the State of Florida, on the 17th day of April 1881. And I have given the Admr credit for disbursements made by him in payment of expenses of administration &c, and for payments to the said

Guardian and to the said heirs after they had attained their majority, also for ten per cent commission, which Mr Hamblen thinks he ought to be allowed, as he has had considerable trouble laboring to recover said estate, and in disbursing it to the distributees, I have also given him credit for amount of my fee for making this settlement, and the estimated Clerks fee for recording the same, resulting in finding that there remained in the Admr's hands due said heirs, on the 24th day of May 1881, the sum of $171.49. It appears that the said Viola McGuffin married Edwin Taylor Kinney, See Exhibit "C", and that Allice married John C Carpenter, See Exhibit "D".

Of the above sum in said Admr's hands $111.43 is principal and $60.06 is interest; Respectfully submitted,

James W Orr Comr

C. L. Hamblen Admr of Westeran McGuffin dec'd. Settlement of his acct. By James W Orr Comr &c

1881 Oct 20th confirmed & ordered to be recorded.

Recorded in Settlements of Fiduciaries No 3 Pages 377-379.

J. R. Gibson clerk.

Comr's fee $6.00

Filed Sept 7th 1881.

Virginia

At a county court continued and held for the county at the court house thereof, on thursday the 20th day of October 1881.

C. L. Hamblen Admr of the estate of Westeran McGuffin deceased this day produced to the court a settlement and report of his administration account made by James W. Orr Commissioner of accounts which settlement and report having been filed in the clerk's office of this court the time required by law, and being seen and inspected by the court, and unexcepted to is confirmed and ordered to be recorded.

A copy

Test John R. Gibson clerk.

State of Indiana }
De Kalb County }

I, Viola Kinney of Garrett, DeKalb County Indiana, swear that I am one of the children and heirs of Mistress Hester McGuffin of Tallahassee, Florida, deceased. So help me God.

Viola Kinney

Subscribed and sworn to by Viola Kinney before me, W. H. Hoffman, a Notary Public of De Kalb County Indiana this 24th day of February 1876.

W. H. Hoffman
Notary Public.

Viola Kinney.
affidavit of indentifi-
-cation.

Inventory of Estate that came to the hands of C. L. Hamilton Admr. of Hesteran McGuffin dec'd.

1876 Feb 16th	Loan rec'd from Isaac S Bishop Admr of Joseph Renfro in gold	$	450.00
1877 Apr 17th	" " " " Same in currency	+	110.00
1878 Decr 15th	" " " " Same " "		250.00
1879 Feb 10th	" " " " Same " "	+	100.00
Aug 23rd	" " " " Same " "	+	100.00
Nov 26th	" " " " Same " "	+	25.00
1880 May 8th	" " " " Same " "	+	100.00
June 9th	" " " " Same " "	+	80.00
		$	1215.00

C. L. Hamilton Admr.

C. L. Hamilton Admr
of Hesterman McGuffin
decd Inventory.

A

LETTERS OF GUARDIANSHIP.

Printed at the Sentinel Office, Tallahassee—1870.

STATE OF FLORIDA,
County of Leon

To All to whom These Presents shall Come---Greeting:

WHEREAS, Le Roy D. Ball of the State and county aforesaid, hath been duly appointed and qualified as Guardian of the person and estate of Viola, Dora & Alice McGuffin minors of the county aforesaid, and hath entered into bond obligatory to the Governor of the State of Florida, and his successors in office, in the penalty of Eight Hundred dollars, conditioned as the law directs, with Philip Walter and Samuel Quail as his securities:

Now Know Ye, That Guardianship of the estate, together with the person of said minors hath been granted, and is by these presents committed, to the said Le Roy D. Ball.

Seal

In Testimony Whereof, I have hereunto set my hand and affixed my seal of office, this 17th day of April A. D. 1871.

J. T. Bernard
Judge of Probate

State of Florida }
Leon County } I, Samuel Walker,
County Judge for the county aforesaid
do hereby certify that the foregoing is
a true copy of Letters of Guardianship
issued to Le Roy D. Ball as recorded
in my office. Witness my hand and
seal of office this 27th day of March
A.D. 1876.

Samuel Walker
County Judge
with powers of Judge of Probate

STATE OF FLORIDA,

.....County.

Letters of Guardianship.

In the matter of estate of

Exhibit A

Issued 187

Clerk's Office of Augusta County Court, to wit:

I Joseph B. Woodward Deputy Clerk of the County Court, for the County aforesaid, in the State of Virginia, do hereby certify that it appears from the records of said Office, that on the 21st day of February 1872, a License was issued to Edward Taylor Kinney and Viola McGuffin, daughter of Jno. L. McGuffin & Hester M. Mauzy, and that said parties were united in matrimony on the 22nd day of February 1872, by the Revd Richd N. Phillips: as appears by his certificate attached to said License - all of which will more fully appear by reference to the records of the Office aforesaid. and I further certify that on the 21st day of October 1874, a License was issued from the Clerk's Office aforesaid to John C. Carpenter & Alberta Clarkson McGuffin, daughter of Jno. L. McGuffin & Hester M. Mauzy, and that said parties were united in matrimony by the Revd Walter D. Mullihen, as appears by his certificate attached to said License - all of which will more fully appear by reference to the records of the Office aforesaid -

Given under my hand this 29th day of March 1876.

Joseph B. Woodward
Deputy Clerk of Augusta Co Ct.

Virginia:--Augusta County, to wit:

To any person Licensed to Celebrate Marriages.

You are hereby authorized to join together in the

Holy State of Matrimony

according to the Rites and Ceremonies of your Church, or Religious Denomination, and the Laws of the Commonwealth of Virginia,

Edwin T. Kinney, and Viola McGuffin

of said County. Given under my hand as Clerk of the County Court of Augusta County, this 21st day of February 1872.

(Signed) William A. Burnett Clerk.

Certificate to Obtain a Marriage License,

To be annexed to the License, required by the 14th and 15th Sections of the 104th Chap. of the Code of Va., (Edi. 1873.)

Time of Marriage, 1872 February 22nd

Place of Marriage, Staunton Va

Full Names of parties Married, Edwin Taylor Kinney and Viola McGuffin

Age of Husband, 24 years, 7 months, 1 days.

Age of Wife, 18 years, 4 months, — days.

Condition of Husband, (widowed or single,) Single

Condition of Wife, (widowed or single,) Single

Place of Husband's Birth, Staunton Va

Place of Wife's Birth, Augusta County Va

Place of Husband's Residence, Staunton Va

Place of Wife's Residence, Augusta Co Va

Names of Husband's Parents, Robert P. Kinney and Isabel A Stevenson

Names of Wife's Parents, John L. McGuffin and Hester M Maupin

Occupation of Husband, Merchant

Given under my hand this 21st day of February 1876.

(Signed) William A Burnett Clerk.

MINISTER'S RETURN OF MARRIAGE.

I CERTIFY, That on the 22nd day of February 1872. in Trinity Church Staunton Virginia I united in Marriage the above-named and described parties, under authority of the annexed License.

(Signed) Rich^d H Phillips Rector Protem

☞ The Minister celebrating a Marriage, is required, within TEN days thereafter, to return the License to the Office of the Clerk who issued the same, with an endorsement thereon of the FACT of such Marriage, and of the Time and Place of celebrating the same.

A True Copy Teste

William A Burnett CK

Kinney

vs. License & Co of M

McGaffin

Exhibit "C"

1872 February 22

3010

Copy

Fee for Search Copy & postage 40¢

MAB

State of Virginia
Augusta County towit:

This day personally appeared before me, Edward Echols a Notary Public for said County & State, A. M. Bell to me well known, who being duly sworn deposes & says; that he was acquainted with Mrs Hester McGuffin now deceased, and knows that the said Mrs Hester McGuffin left three (3) children surviving her, towit, Viola, now the wife of Edwin T. Kinney of Gantt City Indiana, Alberta C., now the wife of Capt John C. Carpenter of Covington Alleghany County Va. and Dora McGuffin who lives with Capt. Carpenter. Given under my hand this 8th day of March 1876.

Edward Echols — N.P.

C. L. Hamblen Admr
of Vestran McGuffin

Exhibit 'D'

C. L. Hamblen admr. of Hester Ann McGriffin

To the Heirs & Distributees of said Estate

1877.							Dr	
Feb 16	To this sum rec'd. of Isaac J. Bishop Feb 16 1876						450	00
	By 5 per cent commission thereon			22	50			
1	By this sum paid Le Roy D. Ball guardian &c.			130	00			
2	" " " " J. B. Carpenter April 27/76			130	00			
3	" " " " E. J. Kenney May 2/76			130	00			
	" " " in admr hands to balance			37	50	450	00	
1878	2							
Feb 16	To this sum in admrs hands last year					37	50	
	" Int on same one year to Feb 16 1878	2	25					
	" this sum received of I. J. Bishop April 17 1877.					110	00	
						167	50	
	By 5 per cent com on this years receipts			5	50			
4	" this sum paid Le Roy D. Ball April 1877			50	00			
5	" " " " J. H. Orr costs			34	49			
6	" " " " Same				74			
	By this sum in admrs hands to balance			76	77	167	50	
1879	3							
Feb 16	To this sum in admrs hands last year					76	77	
	" Interest on same one year to Feb 16 1879	4	60					
	" this sum received of I. J. Bishop Dec. 15/78					250	00	
	" " " " " Same Feb. 11 1879.					100	00	
						426	77	
	By 5 per cent com on $350. this years receipts			17.	50			
	By this sum in admrs hands to balance			409	27	426	77	
1880	4							
Feb 16	To this sum in admrs hands last year					409	27.	
	" Interest on same one year to Feb 16 1880	24	54					
	" this sum received of I. J. Bishop March 3/79					100	00	
		31	39			509	27	

1880	Debits brought forward.					509	27
Feb 16	Interest debits brought forward	31	39				
	To this sum received of I. T. Bishop July 18 1879					20	00
	" " " " " Same Augt 23 1879					80	00
	" " " " " Same Nov 27 1879					25	00
						634	27
	By 5 per cent commission on $225. this years accepts			11	25		
7	By this sum paid Miss Dora McGuffin			50	00		
8	" " " " E. T. Kenney			100	00		
	By this sum in admrs hands to square			473	02	634	27
1881.	5						
Feb 16	To this sum in admrs hands last year					473	02
	" Interest on same one year to Feb 16 1881	28	38				
	" this sum received of I. T. Bishop May 8/80					100	00
	" " " " " Same June 9/80					80	00
						653	02
	By com at 5 per cent on $180 this years accepts			9	00		
9	" this sum paid C. Carpenter June 18 1880			100	00		
10	" " " " C. T. Duncan Augt 1 1880			50	00		
11	" " " " J. C. Carpenter			100	00		
12	" " " " E. T. Kenney			100	00		
13	" " " " Cont. for Making Equit. Sett.			6	00		
14	" " " " Clerk for recording same			2	59		
	By this sum in admrs hands to square			285	43	653	02
1882	6						
Feb. 16	To this sum in admrs hands last year					285	43
	" Interest on same one year to Feb 16 1882	17	82				
	By this sum in admrs hands to square			285	43	285	43
	Interest carried forward - -	76	89				

	7						
1883.	To accumulated Interest forward	76	89				
Feb 16	To this sum in admrs hands last year					285	43
	" Interest on same one year to Feb 16 1883	17	10				
15	By this sum paid A. L. Pridemore atty for McGuffin			50	00		
	By " " in admrs hands to square			235	43	285	43
1884	8						
Feb 16	To this sum in admrs hands last year					235	43
	Interest on same one year to Feb 16 1884	14	10				
	By this sum in admrs hands to square			235	43	235	43
1885	9						
Feb. 16	To this sum unaccounted for last year					235	43
	" Interest on same one year to Feb 16 1885	14	10				
	By this sum in admrs hands to square			235	43	235	43
1886	10						
Feb. 16	To this sum unaccounted for last year					235	43
	Interest on same one year to Feb 16 1886	14	10				
	To this sum recd by Genl Pridemore for admr. May 9/85					200	00
	" " " " " Same " " May 25/85					250	00
	" " " " " Same " " Augt 3/85					150	00
	" " " " " Same " " Sept 25/85					200	00
	" " " yet due from Bishop					388	00
	Accumulated interest brought into genl. acct	136	29			136	29
						1559	72
	By 10 per cent commission on accumulated Int			13	62		
	" 10 " " " on $800.00 last years accepts			80	00		
	" 10 " " " " 388.00 yet due			38	80		
16	" By this sum paid Pridemore atty for McGuffin heirs			200	00		
17	" " " " Pridemore for McGuffin heirs			250	00		
18	" " " " Same " Same			150	00		
	Carried forward - -			732	42		

1886	To aggregate debits this year brought Forward			1559	72
Feb 16	By " Credits " " " "	732	42		
19	By this sum paid A.L. Pordenon for McGuffin bains Sept/85	200	00		
20	" " " " Same " Same	388	00		
21	" " " " H.J. Morgan for this acct & & effect	1	50	1327	92
	Bal owing by Mr Hamblen Feb 16 1886. - - -			231	80
	By error in item No 15 as of Feb 16 1883	5	00		
22	By this Sum paid Dora Hughart on Sept 6 1882	50	00		
	Interest on said 2 items 3 years to Feb 16 1886	9	90		
23	By this Sum paid A.L. Pordenon Oct 24 1884	50	00		
	Int on Same 1 year to Feb 16 1886	3	00	117	90
	Bal due Feb 16 1886 this Sum - - -			113	90

Account Statement of adjustment Hester McGuffin G L Hamblen Admr

(486)

Received of C. L. Hamblin adm
of Hester Ann McGuffin deceased
the sum of fifty five dollars to be
credited upon a claim due from
him to said estate in my hands
for collection. June 21st 1880.

A. L. Pridemore

A. L. Breidenbach
to J. Reid
& Hamblen
Attorneys
Assn of Boston & Lancy

(B.4)

No. 15

Received of C. L. Humblin administrator of the estate of Hester A. McGuffin the sum of two hundred dollars as of 9th. of May 1884, which I receive as attorney of James Bowler attorney in fact of Hester A. McGuffin heir at law. the which I have heretofore paid to said Bowler & have his receipt therefor. Oct 23d 1884.

A. L. Pridemore

No. 16.

(BB)

1882 Receive Sept 6th of
C L Shamblen Adm Debonis
non of the Est of Sus Tranor.
Acknowledge the sum of
fifty dollars as part of the
Distributive share of my
Mother Est.

50 $

Dora Aughart
C. A. Aughart

Mr. Dora Stoughton
to Revere 50¢

(56)

No 22

Received of P. L. Hamblin administrator of Hester A. McGoffin fifty dollars my fee in suit of himself against L. T. Bishop and others this Oct 24th 1884.

A L Pridemore

(BD)

Tallahassee Florida
May 22nd 1876

Received of G T Hamblen Administrator of the Estate of Hester McGuffie the sum of One hundred and thirty dollars. Said money being paid to me as Guardian of Mrs Dora McGuffie Mrs Ollie Carpenter and Mrs Viola Kinney daughters of the said late Mrs Hester McGuffie

L E Ray W Ball.
Guardian as aforesaid
for the Heirs of Mrs Hester McGuffie

Library D. Ball Guard
for Dora McGuffin
Lo } Recpt $130 00
B
E. L. Vanclden Admr

No 1.

E. L. Vanclden Admr.

Jany 5th 1877

Received of C. L. Hamblin
Admr of Hester McGuffin
Decd the sum of One hundred
and thirty (130 00) dollars (check)
a portion of the Legacy of
my Wife — A. C. who is her
Second Daughter —
April 27th 1876 J. C. Carpenter

No 2.

Garrett Ind
May 3rd 1876

Received of C. L. Hamblin Admr. of Hester McGuffin Decd. the sum of one hundred and thirty (130.00) dollars, a part of the amount due said Hester McGuffin's Estate, from the Estate of Josephus Renfro.

E. T. Kinney

No 3.

State of Missouri }
City of St Louis } ss

Personally appeared before me P J Taaffe a Justice of the Peace within and for the City and State aforesaid E. T. Kinney who is personally known to me to be the same person whose name is subscribed to the foregoing instrument of writing and acknowledges the same to be his signature for the purposes therein mentioned

In witness whereof I have hereunto set my hand the day and year first above written

P J Taaffe Justice of the Peace within and for the City of St Louis State of Mo,

Ed. S. Kinney
No 3.

Received of C L Hamblen Admr of Hester M. McGuffin fifty dollars as part of my distributive share of the said Hester M McGuffins estate

This 24th day of April 1877

LeRoy V Ball
Guardian for
Dora McGuffin

Tallahassee Fla
Apr. 24th 1877

Leroy S Bell
to E N Merritt
to C F Mamble
admr of [illegible] on

104

C. L. Hamblen Admr. of Hester M McGuffin.

To the clerk of Lee County Court Dr.

1873.

July. Ent order appointing you Admr. &c .36, copy .20, $ .56

" receipt .18, .18

$ .74

James W Orr. clerk.

No 5.

C. T.

Hamblin

B. 174

C. L. Hamblen Admr. of Hester M. McGuffin dec'd.

1873	To the clerk of Lee circuit court	Dr.	
Oct	Sp. in Chy. vs J. T. Bishop Admr. &c 20, Copy 10,		30
"	recpt. 18, Tax 1.50, Filing bill 15, dock. 18, atts. 10,	2	11
Nov, 1875	Two Rules 1.00, ord. Cont. 36, 1874, 3 Continuances 1.08,	2	44
Nov. 1876	ord. Cont. 36, Aug. decree 36, Nov, ord. cont. 36,	1	08
Nov, 1877	ord. Cont. 36, Aug. decree 36, Nov, ord. cont. 36,	1	08
Nov. 1878	ord. Cont. 36, Aug ord. Cont. 36, Nov, ord. Cont. 36,	1	08
Nov	ord Cont. 36, Aug. Filing 3 rd report 45,		81
Aug	Filing exceptions to Commr's report 15,		15
"	decree Final 36, Taxing Costs &c 40, Fi Fa 50,	1	26
"	recpt. 18, Dock. 25. Taking accl and making 3 rd report in said Cause 23.75,	23	75
		$ 34	49

James W. Orr Clerk

[106] 8

C. L. Franklin Adm

$84.49

Tallahassee Fla
Apr 24th 1877

Dr Sir

I enclose you the receipt you sent to Mrs Dora McGuffin. Mr Hamblin has copy of my appt as Guardian. I object to your paying her anything on her recpt and it would not be a valid payt.

Mrs E. T. Kinney Garrett DeKalb Co and one of the sisters is in urgent need of the money and I hope you will send her the other 50 as soon as practicable

Respy
L. Kay, W. Hall

No 7.

Send the 5 Dos direct to Miss Dora McGuffin 1111 7 St. N. Washington D.C.

1880 Received Feb 23rd of C. L. Hambler
Shiriff & admr de bonis non of Hester ann
McGoffin dec the sum of fifty dollars
as part of my intrs in a det said admr
holds for collection against the est of Joseph
Renfro dec

50 00/100

Miss Dora McGuffin

Lora McGrifin
L. B. Reeit
C. L. Wamble
$7.50 cr

$100.00

St Louis Mo
Aug 25th 1880

Received of C. L. Hamblen, Administrator of Mrs Hester McGuffin, dec'd, One hundred Dollars, on a/c of my wife Viola one of the heirs of aforesaid Mrs Hester McGuffin dec'd

C. T. Kinney.

No 8.

Received Covington Va. June 18th 1880,
of C. L. Hamblin Administrator One Hundred
Dollars, collected by him on Note executed
by Joseph Renfroe to Mrs H. M. McGuffin.

J. C. Carpenter

Clerks Office Alleghany County Court
June 18 1880.

I, J. J. Hobbs, Clerk of Alleghany
County Court, hereby certify that the
above receipt was signed in my presence
by Capt J. C. Carpenter.

Teste,

J. J. Hobbs
Clk

109.

J. C. Carpenter

To Receipt

C. L. Hamblin

Received of C L Hamblen Admr
of Hester Ann McGoffin fifty dollars
in full as for services as his Atty ~~as~~ Admr
of said Estate. This August 1st 1880.

C. T. Duncan Atty.

This only includes services up to Aug 1st 1881.

C. L. Dunican

To Recpt. $50 00

C. L. Hamilton Adm

1881 Received May 10th of C. L. Hamblen admr of the Est of Hesterman McGaffin dec. One hundred dollars as one of the heirs of said Est

Mrs J. C. Carpenter
John C. Carpenter

No 11.

St Louis Mo
May 24th 1881

Received of C L Hamblen
Administrator of Mrs Hester
McGuffin's estate
One Hundred Dollars
On a/c of My wife Viola
one of the lawful heirs of
Mrs Hester McGuffin dec.

E. T. Kinney,
Viola Kinney,

No 12.

Hamblin Paid me
$30. June 21st / 886
A S Pinderne

No 15

808.67
1217.04
2025-71

	364.38	
	102.50	
Am. due	261.88	$899.99
	230	193.49
	31.88	1093.48
See also Realty memo	By this sum.	200.00
		893.48
		55 64
		~~901.12~~
		949.32
By this sum May 25/85		250.00
Int to Aug 6/85 - 2 mos 12 d.		699 32
		3.49
		$702 81
By this sum.		150.00
		552.81
Int Sept 25 - 47 D.		4.43
		$557.24
By this sum pa Rect.		200
		357.24

May 9th 1884.	$200 -
May 25 1885.	250
Aug 3 1885 -	150
Sept 25	200.

Virginia

In the Clerk's Office of the Circuit Court of Lee County at the Court house thereof on June the 27th 1883

C. L. Hamblen Admr. of the Estate of Hester A. McSuffin Pltff
against
Isaac S Bishop & Elisha Bishop Defts } in Chcy

The object of this suit is to have so much of the lands, in the bill mentioned, sold as will pay and discharge the liens on said lands specified in said Bill and it appearing from an affidavit filed in ~~said~~ this cause that the defendants Isaac S. Bishop & Elisha Bishop are non residents of the State of Virginia It is therefore ordered that they appear here within one month after due publication of this order to do what may be necessary to protect their interest in this suit.

A Copy Teste.

A. L. Pridemore P. Q.

J A L Hyatt Clerk

O. L. Hamblen Adm
vs } Ord Pub
Isaac S. Bishop, et al

I hereby certify that I delivered a true copy of the within order, to the Lee Co. Sentinel on the 27 June 1883, for Publication therein, and posted a like copy on the front door of the Court house of Lee Co. at the July Term of the County Court thereof.

J. A. S. Hyatt
Clerk

Chd 85

Virginia Lee County to wit:

This day A. L. Pridemore

are personally appeared before me and made oath in due form that as he was informed and believed, Isaac T. Bishop and Elisha Bishop, defts in a chcy suit of C. L. Hamblen Adm vs Isaac T. Bishop et als, now intitled in Lee Circuit Court, are non residents of the State of Virginia. Given under my hand this 25th day of June 1885

J. A. S. Hyatt

Clerk

Note due Jany 15th 1873, with int from Jany 15th 1872. $260.00

Interest to May 15th 1872, (4 mo) 5.20

Discount on this note at 12½ for 8 mo $265.20

C. L. Handlen Admr
vs
Affidavit for Wit.
Defendant
Discharged

Ohd 85

Commissioners Office Jonesville Va. Feb. 21st 1884.

C L Hamblin adm. &c. Pltff

vs. } In Chancery

Isaac T. Bishop adm. &c. others Defts

Notice is hereby given the parties interested in this suit that at my office in Jonesville on the 3rd day of March 1884 I will proceed to ascertain the balance due on the judgment or decree sought to be enforced in this suit as required by a decree entered in this cause on the 1st day of Sept 1883.

Henry J Morgan Comr.

C L Hamblen admr.

vs. } Notice Feb 29/84

Isaac J Beshaf admr.

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting:

We Command You to Summon Isaac T. Bishop and Elisha Bishop

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in July next being rule day to answer a bill in Chancery exhibited in our said Court against them by C. L. Hamblen Admr. of the Estate of Hester A. McGuffin

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This 25th day of June 1883, in the 107 year of the Commonwealth.

J. A. G. Hyatt Clerk

(D)

C. L. Hamblen Admr.
vs } Spa in Chcy
Isaac S. Bishop, et al.

To July Rules 1883.

Not Executed the parties being non residents.

Thos. L. Ely, S. L. C.

Chd 85

The Commonwealth of Virginia:

County---Greeting:

To the Sheriff of Lee

We command you to summon Isaac T Bishop Admr of the Estate of Joseph Renfro decd

to appear at the clerk's office of the ~~county~~ circuit *court of Lee, at the court-house, on the first Monday in* October 1873 ~~next~~, *being Rule day, to answer a bill in chancery, exhibited in our said court against* him *by* Charles L Hamilton Admr of the Estate of Hester M McGuffin decd.

and unless he *shall answer the said bill within one month thereafter, the same will be taken for confessed, and the said court will decree accordingly. And have then this writ. Witness* JAS. W. ORR, *Clerk of our said court, at the court-house, the* 3rd *day of* October 1873, *in the* 98th *year of the Commonwealth.*

James W Orr. Clerk.

C. L. Hamblen Admr &c

vs } Spa in Chancery

Isaac T. Bishop Admr &c

October Rules 1873.

executed by delivering to Isa T. Bishop adm'r. a true copy of the within

C. L. Hamblen
S.L.C.

.20
.10
.18
.15
.18
.10
1.00
1.00
.36
1.08
1.08
.36
.30
$6.09

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

C. L. Hamblen

To appear before the Judge of our Circuit Court of Lee County, at the Courthouse on the first day of August

Term next to testify and the truth to speak in behalf of C. L. Hamblen Admr &c

in certain matters of controversy pending inour said Court between said C. L. Hamblen Admr

PLAINTIFF and

Isaac T. Bishop et al DEFNDANT. And this he shall in no wise omit under the

penalty of Twenty Dollars. And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This 10 day of Aug. 1885, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

C. L. Hamblen Admr.

vs } Sha for wit

Isaac T. Bishop

To 1st day Aug. T. 1885

Executed

R D Flannery & L.C